

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLIFFORD JOSEPH KAROLSKI,)	
)	
Plaintiff,)	Civil Action No. 15-1101
)	
v.)	
)	United States Magistrate Judge
CITY OF ALIQUIPPA, DETECTIVE)	Cynthia Reed Eddy
STEPHEN ROBERTS, CHIEF DAVIS,)	
ASST. CHIEF DON COUCH,)	
COMMONWEALTH OF)	
PENNSYLVANIA, ARSON)	
INVESTIGATOR STATE POLICE,)	
)	
Defendants.)	

ORDER

AND NOW, this 22nd day of December, 2016, upon consideration of the amended complaint and the pending motions to dismiss, and in accordance with the foregoing Memorandum Opinion, it is hereby **ORDERED**, as follows:

1. The Motion to Dismiss the Amended Complaint (ECF No. 29) filed by the Pennsylvania State Police and the Arson Division of the Pennsylvania State Police (“Commonwealth Defendants”) is **GRANTED**. All claims against the Commonwealth Defendants in the Amended Complaint (ECF No. 27) are **DISMISSED** without prejudice for lack of subject matter jurisdiction. Plaintiff is denied leave to amend his claims against the Commonwealth Defendants, and Commonwealth Defendants are hereby dismissed from this action.

2. The Motion to Dismiss the Amended Complaint in Part (ECF No. 32) filed by the City of Aliquippa, Detective Stephen (*sic*) Roberts, Chief Davis, and Asst. Chief Don Couch (collectively “City Defendants”) is **GRANTED**, and the following claims against the City

Defendants in the Amended Complaint (ECF No. 27) are **DISMISSED**: (a) failure to do due diligence; (b) failure to provide *Miranda* rights; (c) slander; (d) deceit by law enforcement; (e) police misconduct; (f) wrongful incarceration; and (g) abuse of process. Plaintiff is denied leave to amend these claims, and said claims are dismissed with prejudice.

3. As to Defendant City of Aliquippa only, all remaining claims in the Amended Complaint for wrongful arrest, malicious prosecution, and false imprisonment are **DISMISSED** without prejudice.

4. Plaintiff may file a Second Amended Complaint, consistent with the Court's accompanying Memorandum Opinion, on or before **January 20, 2017**, amending his allegations relating only to his claims for wrongful arrest, malicious prosecution, and false imprisonment against the City of Aliquippa. The Second Amended Complaint shall be a single, stand-alone document without reference to any other document filed in this case. Accordingly, in addition to amending the allegations against the City of Aliquippa with respect to these three claims, it should also restate the allegations against the individual Defendants Roberts, Davis, and Couch as to these three claims. If Plaintiff does not file a Second Amended Complaint within this timeframe, the Court will enter a separate Order dismissing the City of Aliquippa from this action with prejudice.

By the Court:

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: **CLIFFORD JOSEPH KAROLSKI**
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All registered counsel via CM-ECF